

EIGHTEENTH DAY
(Tuesday, August 8, 1978)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Harris, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Absent-excused: Ogg.

A quorum was announced present.

Dr. Clay Boyer, Pastor, University Christian Church, Austin, offered the invocation as follows:

GOD, These persons have been at the task of their office for long weeks now. Some may be frustrated, others angry and most are anxious to return home. Help them claim the blessed gifts of patience, understanding, endurance and renewed energy as they seek to bring their consideration of the matters at hand to a close. With thanks for the blessings already in our possession. Amen.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Ogg was granted leave of absence for today on account of important business on motion of Senator McKnight.

MESSAGE FROM THE HOUSE

House Chamber
August 8, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 19, Relating to county school administration; amending Sections 17.94, 17.95, 17.99, 20.43(b), 23.01, 23.03, 23.06, 23.10, 23.11(c), 23.12(a), 23.61(a), 23.72, and 23.73(1), Texas Education Code, as amended; and repealing Sections 23.02 and 23.05, Texas Education Code, as amended.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

Senator Aikin submitted the following report for the Committee on Finance:

H.B. 18 (Amended)

C.S.H.B. 57 (Read first time)

(Senator Aikin in the Chair)

SENATE RESOLUTION 130

Senator Jones of Harris offered the following resolution:

WHEREAS, Miss Antoinette Miller of Houston serves with distinction as a member of the Board of Trustees of the Teacher Retirement System of Texas and as a classroom teacher in the Houston Independent School District; and

WHEREAS, Miss Miller during the 1978-79 school year will celebrate her 50th year of teaching, having begun her career at the age of 18 after completing college in three years, just in time for the 1929 stock market crash; and

WHEREAS, This warm, friendly, gregarious teacher has been a leader in the education profession for many years, having served in almost every capacity at the local, state, and national levels, including the presidency of the Houston Teachers Association, of her Texas State Teachers Association district, of the Texas Classroom Teachers Association, and president of the Texas State Teachers Association, as well as on numerous important committees at each level; and

WHEREAS, This gracious lady from the East Texas sawmill town of Elmina (now a ghost town) has long been an advocate of active participation of teachers in community life and politics, declaring, "An active citizen is a voting citizen"; and

WHEREAS, Miss Miller has been an outspoken proponent of productive change and of working together in harmony to arrive at workable solutions of problems; and

WHEREAS, She has taught English, Spanish, history, government, and geography in such places as Oakhurst, Alameda, at Thompson's oilfield two-teacher school; at Conroe, where she served as principal during World War II, and in Houston since 1947; and

WHEREAS, Miss Miller has always been a leader in helping and praising other people throughout her outstanding career, always unselfishly giving credit to others; and

WHEREAS, It is the desire of the Senate of the State of Texas to honor this outstanding educator whose indelible mark has been left on her profession and who exemplifies the highest standards of the Texas teaching profession and of participatory citizenship; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 65th Legislature, 2nd Called Session, hereby congratulate Miss Antoinette Miller on her long and dedicated career and extend best wishes for her 50th year of teaching; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Miss Miller as an expression of the esteem in which she is held by the Legislature of the State of Texas.

The resolution was read and was adopted.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

Senator Jones of Harris presented Miss Miller to the Members of the Senate and asked that she be granted privileges of the floor today.

EXECUTIVE SESSION

The Presiding Officer (Senator Aikin in the Chair) announced the time had arrived for an Executive Session. (Senator McKnight having given notice on yesterday.)

Accordingly, the Presiding Officer at 10:49 o'clock a.m. directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

(President in the Chair)

At the conclusion of the Executive Session, the President called the Senate to order as In Legislative Session at 11:04 o'clock a.m. today.

The President asked if there were motions to sever nominees.

There were no motions offered.

Senator McKnight moved the confirmation of the nominees reported by the Committee on State Affairs, Subcommittee on Nominations.

The nominees were confirmed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ogg.

NOMINEES CONFIRMED

To be Members of the BOARD OF TRUSTEES OF THE TEACHER RETIREMENT SYSTEM: CHARLES A. HALLMARK, Harris County; DEWEY G. SMITH, Jim Wells County.

To be a Member of the BOARD OF DIRECTORS OF THE LOWER COLORADO RIVER AUTHORITY: HARRY SHAPIRO, San Saba County.

To be Members of the TEXAS DEEPWATER PORT AUTHORITY: BOB CASEY, Harris County; JOHN S. CHASE, Harris County; D. TRUITT DAVIS, Taylor County; CHARLES A. KROLL, Brazoria County; PETE S. MILLER, Galveston County; C. W. RICHARDSON, Jefferson County; WALTER M. MISCHER, SR., Harris County.

To be Members of the TEXAS BOARD OF EXAMINERS IN THE FITTING AND DISPENSING OF HEARING AIDS: RICHARD C. DURBIN, Rockwall County; CARL McGOVERN, Hunt County; A. G. SMALL, Bexar County.

To be Members of the TEXAS AIR CONTROL BOARD: CHARLES R. JAYNES, McLennan County; JEROME WALLACE SORENSON, JR., Brazos County; FRANK HAWKINS LEWIS, Matagorda County.

To be BRANCH PILOTS, SABINE BAR, PASS AND TRIBUTARIES: CAPTAIN THEODORE R. MORGAN, Jefferson County; CAPTAIN HAROLD E. WEAVER, Jefferson County; CAPTAIN ROBERT H. WELCH, Jefferson County.

To be PILOT COMMISSIONERS, SABINE BAR, PASS AND TRIBUTARIES: JULIAN O. CROOKE, Jefferson County; CAPTAIN WILLIAM F. FREDEMAN, Jefferson County; C. W. HUBBARD, Orange County; W. SAM MONROE, Jefferson County; BILLY G. TURNER, SR., Jefferson County.

To be a BRANCH PILOT, BRAZOS SANTIAGO PASS, BAR AND TRIBUTARIES FOR THE BROWNSVILLE NAVIGATION DISTRICT: NEWTON R. PROHASKA, Cameron County.

To be BRANCH PILOTS, PORT ARANSAS BAR, CORPUS CHRISTI BAY AND TRIBUTARIES: MERLIN W. HAYDON, JR., Nueces County; CAPTAIN JAMES F. WILKERSON, JR., San Patricio County.

To be BRANCH PILOTS, THE PORTS OF GALVESTON COUNTY: CAPTAIN CHARLES R. BRANCH, Galveston County; CAPTAIN JAMES A. BORUP, Galveston County; CAPTAIN RICHARD C. McMAINS, Galveston County; CAPTAIN WILLIAM J. THUERWACHTER, Galveston County; CAPTAIN GEORGE E. PIZZITOLA, Galveston County; CAPTAIN EDGAR L. KING, Galveston County; CAPTAIN WILLIAM R. KERN, Galveston County.

To be PILOT COMMISSIONERS, PORT OF GALVESTON AND TEXAS CITY: SAM G. TRAMONTE, Galveston County; A. D. WILKENFELD, Galveston County; CAPTAIN JULIUS W. JOCKUSCH, Galveston County; STEVEN J. SCHWARTZ, Galveston County; WALLACE DAN FLOWERS, SR., Galveston County.

To be BRANCH PILOTS, BRAZOS RIVER HARBOR NAVIGATION DISTRICT: CAPTAIN JOHN W. BURNS, Brazoria County; CAPTAIN KENNETH A. GONZALES, Brazoria County; CAPTAIN ALVIN A. MILLER, Brazoria County; CAPTAIN MARK EDWIN HICKS, Brazoria County.

RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled resolutions:

H.C.R. 8

H.C.R. 11

H.C.R. 15

H.C.R. 17

H.C.R. 18

H.C.R. 19

HOUSE BILL 18 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, all necessary rules including Senate Rule 74 were suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 18, A bill to be entitled An Act relating to restricting increases in property taxes by local taxing units.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend **H.B. 18** as follows:

(1) On page 2, line 22, add after the period: "The assessor shall publicize that rate in a manner designed to come to the attention of all residents and submit the rate to the governing body of the unit."

The committee amendment was read and was adopted.

Senator Farabee offered the following committee amendment to the bill:

Amend **H.B. 18** as follows:

(2) On page 2, line 27, add "by more than three percent" between "Act" and "until".

The committee amendment was read and was adopted.

Senator Farabee offered the following committee amendment to the bill:

Amend **H.B. 18** as follows:

(3) On page 5, line 16, add "including a home-rule city," between "town," and "a".

The committee amendment was read and was adopted.

Senator Mengden offered the following amendment to the bill:

Amend HB 18 by inserting the following new Section 6 and renumbering the remaining sections according:

SECTION 6. REFERENDUM TO REPEAL INCREASE. (a) If the governing body adopts a rate higher than that announced under Section 1 of this Act, the qualified voters of the taxing unit by petition may require that an election be held to determine whether or not to reduce the tax rate adopted for the current year to the rate announced under Section 1 of this Act.

(b) A petition under this section is valid if:

(1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year to the announced tax rate provided by this Act;

(2) it is signed by 20,000 qualified voters or by a number of qualified voters of the taxing unit equal to at least 10 percent of the number of qualified voters of the taxing unit according to the most recent official list of qualified voters, whichever number is less; and

(3) it is submitted to the governing body on or before the 60th day after the date on which the governing body adopted the tax rate for the current year.

(c) Not later than the 10th day after the day a petition is submitted, the governing body shall determine whether or not the petition is valid and pass a resolution stating its finding. If the governing body fails to act within the time allowed, the petition is treated as if it had been found valid.

(d) If the governing body finds that the petition is valid (or fails to act within the time allowed), it shall order that an election be held in the taxing unit on a date not less than 30 nor more than 90 days after the last day on which it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls

within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Reducing the tax rate in (name of taxing unit) for the current year to the announced rate provided by law.

(e) If a majority of the qualified voters voting on the question in the election favor the proposition, the tax rate for the political subdivision for the current year is the tax rate calculated as provided by Section 1 of this Act; otherwise, the tax rate for the current year is the one adopted by the governing body.

(f) If the tax rate is reduced by an election called under this section after tax bills for the unit are mailed, the assessor for the unit shall prepare and mail corrected tax bills. He shall include with the bill a brief explanation of the reason for and effect of the corrected bill. The date on which the taxes become delinquent for the year is extended by a number of days equal to the number of days between the date the first tax bills were sent and the date the corrected tax bills were sent.

(g) If a property owner pays taxes calculated using the higher tax rate when the rate is reduced by an election called under this section, the taxing unit shall refund the difference between the amount of taxes paid and the amount due under the reduced rate.

The amendment was read.

On motion of Senator Farabee the amendment was tabled by the following vote: Yeas 19, Nays 10.

Yeas: Aikin, Blake, Braecklein, Brooks, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Parker, Santiesteban, Schwartz, Truan, Williams.

Nays: Andujar, Clower, Hance, Kothmann, Lombardino, Mengden, Patman, Price, Snelson, Traeger.

Absent: Moore.

Absent-excused: Ogg.

Senator Mengden offered the following amendment to the bill:

Amend HB 18 by inserting the following new Section 6 and renumbering the remaining sections according:

SECTION 6. REFERENDUM TO REPEAL INCREASE. (a) If the governing body adopts a rate higher than that announced under Section 1 of this Act, the qualified voters of the taxing unit by petition may require that an election be held to determine whether or not to reduce the tax rate adopted for the current year to the rate announced under Section 1 of this Act.

(b) A petition under this section is valid if:

(1) it states that it is intended to require an election in the taxing unit on the question of reducing the tax rate for the current year to the announced tax rate provided by this Act;

(2) it is signed by 40,000 qualified voters or by a number of qualified voters of the taxing unit equal to at least 20 percent of the number of qualified voters of the taxing unit according to the most recent official list of qualified voters, whichever number is less; and

(3) it is submitted to the governing body on or before the 60th day after the date on which the governing body adopted the tax rate for the current year.

(c) Not later than the 10th day after the day a petition is submitted, the governing body shall determine whether or not the petition is valid and pass a resolution stating its finding. If the governing body fails to act within the time allowed, the petition is treated as if it had been found valid.

(d) If the governing body finds that the petition is valid (or fails to act within the time allowed), it shall order that an election be held in the taxing unit on a date not less than 30 nor more than 90 days after the last day on which it could have acted to approve or disapprove the petition. A state law requiring local elections to be held on a specified date does not apply to the election unless a specified date falls within the time permitted by this section. At the election, the ballots shall be prepared to permit voting for or against the proposition: "Reducing the tax rate in (name of taxing unit) for the current year to the announced rate provided by law."

(e) If a majority of the qualified voters voting on the question in the election favor the proposition, the tax rate for the political subdivision for the current year is the tax rate calculated as provided by Section 1 of this Act; otherwise, the tax rate for the current year is the one adopted by the governing body.

(f) If the tax rate is reduced by an election called under this section after tax bills for the unit are mailed, the assessor for the unit shall prepare and mail corrected tax bills. He shall include with the bill a brief explanation of the reason for and effect of the corrected bill. The date on which the taxes become delinquent for the year is extended by a number of days equal to the number of days between the date the first tax bills were sent and the date the corrected tax bills were sent.

(g) If a property owner pays taxes calculated using the higher tax rate when the rate is reduced by an election called under this section, the taxing unit shall refund the difference between the amount of taxes paid and the amount due under the reduced rate.

The amendment was read.

On motion of Senator Farabee the amendment was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Aikin, Blake, Braecklein, Creighton, Doggett, Farabee, Harris, Jones of Harris, Jones of Taylor, Longoria, Mauzy, McKnight, Meier, Moore, Parker, Santiesteban, Truan, Williams.

Nays: Andujar, Brooks, Clower, Hance, Kothmann, Lombardino, Mengden, Patman, Pricc, Schwartz, Snelson, Traeger.

Absent-excused: Ogg.

Senator Mengden offered the following amendment to the bill:

Amend HB 18 by adding a new Subsection (d) of Section 4 to read as follows:

"(d) The governing body of a taxing unit may decrease the official tax rate for the current year at any time."

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

HOUSE BILL 18 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that H.B. 18 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

MESSAGE FROM THE HOUSE

House Chamber
August 8, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 17, Proposing an amendment to S.J.R. No. 44, 65th Legislature, Regular Session, 1977, relating to a constitutional amendment concerning municipal tax increment bonds.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

**MOTION TO PLACE
COMMITTEE SUBSTITUTE HOUSE BILL 57 ON SECOND READING**

Senator Traeger asked unanimous consent to suspend all necessary rules including Senate Rule 74 to take up for consideration at this time:

C.S.H.B. 57, Relating to creation and allocation of a special fund to provide additional assistance to school districts for the loss of financial ability imposed by certain constitutional provisions.

(Senator Hance in the Chair)

Question - Shall the rules be suspended?

(President in the Chair)

SENATE RULE 103 SUSPENDED

On motion of Senator Aikin and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider **H.J.R. 41** today upon recess.

RECESS

On motion of Senator Aikin the Senate at 12:13 o'clock p.m. took recess until 3:30 o'clock p.m. today.

AFTER RECESS

The Senate met at 3:30 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
August 8, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 18 by a non-record vote.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

The following bill was filed with the Secretary of the Senate on July 20, 1978, but was not referred:

S.B. 23 by Hance

Relating to the ownership of property by aliens; amending Section 1, Chapter 61, Acts of the 59th Legislature, Regular Session, 1965 (Article 166a, Vernon's Texas Civil Statutes).

SENATE BILL ON FIRST READING

By unanimous consent, the following bill was introduced, read first time and referred to the Committee indicated:

S.B. 24 by Blake

Natural Resources

Relating to restriction of the construction of a terminal storage site for nuclear waste or the permanent storage of nuclear waste; providing penalties.

COMMITTEE SUBSTITUTE HOUSE BILL 57 ON SECOND READING

The Senate resumed consideration of pending business, same being the motion to suspend all necessary rules including Senate Rule 74 to take up C.S.H.B. 57 at this time on its second reading and passage to third reading.

Question - Shall the rules be suspended?

COMMITTEE SUBSTITUTE HOUSE BILL 57 ON SECOND READING

Senator Traeger moved to suspend all necessary rules including Senate Rule 74 to take up for consideration at this time:

C.S.H.B. 57, Relating to creation and allocation of a special fund to provide additional assistance to school districts for the loss of financial ability imposed by certain constitutional provisions.

Senator Aikin raised the Point of Order that the motion to suspend the rules is not debatable.

The President sustained the Point of Order.

The motion to suspend all necessary rules prevailed by the following vote: Yeas 23, Nays 7.

Yeas: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Patman, Santiesteban, Snelson, Traeger, Truan, Williams.

Nays: Doggett, Harris, Mauzy, McKnight, Parker, Price, Schwartz.

Absent-excused: Ogg.

The President then laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

RECORD OF VOTES

Senators Schwartz, Mauzy, Parker, Price, McKnight and Doggett asked to be recorded as voting "Nay" on the passage of the bill to third reading.

COMMITTEE SUBSTITUTE HOUSE BILL 57 ON THIRD READING

Senator Traeger moved to suspend the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 57** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, Meier, Mengden, Moore, Parker, Patman, Santiesteban, Snelson, Traeger, Truan, Williams.

Nays: Harris, Mauzy, McKnight, Price, Schwartz.

Absent-excused: Ogg.

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Schwartz, Mauzy, McKnight, Doggett, Clower, Parker and Price asked to be recorded as voting "Nay" on the final passage of the bill.

RECESS

On motion of Senator Aikin the Senate at 4:20 o'clock p.m. took recess until 5:00 o'clock p.m. today.

AFTER RECESS

The Senate met at 5:00 o'clock p.m. and was called to order by the President.

MESSAGE FROM THE HOUSE

House Chamber
August 8, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 18, In memory of Fine G. Bedford.

H.C.R. 20, Honoring L. DeWitt Hale.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

BILL AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled bill and resolutions:

S.B. 19
S.J.R. 17
S.C.R. 18

PRESENTATION TO SENATOR LOMBARDINO

The President called Senators Mengden and Lombardino to the President's Rostrum.

Senator Mengden then presented Senate Resolution 105 to Senator Lombardino.

Senator Lombardino expressed his appreciation to the Senate, stating that his service in the Senate was his greatest achievement.

**CONFERENCE COMMITTEE REPORT
HOUSE JOINT RESOLUTION 1**

Senator Aikin offered the following Conference Committee Report:

Austin, Texas
August 8, 1978

Honorable William P. Hobby
President of the Senate

Honorable Bill Clayton
Speaker of the House of Representatives

Sir:

We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H.J.R. No. 1 have met and had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

AIKIN
MEIER
CREIGHTON
SANTIESTEBAN
JONES OF TAYLOR
On the part of the Senate

VON DOHLEN
HENDERSON
PEVETO
DONALDSON
On the part of the House

The Conference Committee Report was read and was filed with the Secretary of the Senate.

CAUCUS OF SENATE

On motion of Senator Aikin and by unanimous consent, the Senate at 5:10 o'clock p.m. resolved itself into a caucus to meet in the Lieutenant Governor's Committee Room.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 5:32 o'clock p.m. today.

**ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM
FOR THE SECOND CALLED SESSION OF THE
SIXTY-FIFTH LEGISLATURE**

The President announced the election of the President Pro Tempore Ad Interim as the next order of business.

Senator Andujar nominated Senator Bill Meier of Euless as President Pro Tempore Ad Interim of the Second Called Session of the Sixty-fifth Legislature.

Senators Creighton, Traeger, Schwartz, Aikin, Santiesteban, Snelson and Farabee seconded the nomination.

On motion of Senator Andujar, Senator Meier was elected President Pro Tempore Ad Interim of the Second Called Session by acclamation.

Senators Andujar, Snelson, Schwartz and Santiesteban escorted Senator Meier to the President's Rostrum.

Senator Meier addressed the Senate, expressing his appreciation for the friendship of the Senate and the honor of being elected as President Pro Tempore.

HOUSE CONCURRENT RESOLUTION 20 ON SECOND READING

The President laid before the Senate:

H.C.R. 20, Commending Representative L. DeWitt Hale for his distinguished service to the House of Representatives and the people of Texas.

The resolution was read.

On motion of Senator Truan and by unanimous consent, the resolution was considered immediately and was adopted.

On motion of Senator Aikin and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

MESSAGE FROM THE HOUSE

House Chamber
August 8, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

All necessary rules suspended, and the House concurred in Senate amendments to House Bill No. 57 by a vote of 113 Ayes, 25 Noes.

Passed subject to Sec. 49A, Art. 3, Constitution of Texas.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 154

Senator Aikin offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on August 8, 1978, and attended by 28 members of the Senate, the following recommendations were made, to-wit:

BE IT RESOLVED BY THE SENATE:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the State from the closing of this session and until the convening of the next session.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Room, Staff Services Room and Journal Clerk. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvements as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the members, as well as of the supplies and equipment on hand in the room of the Sergeant-at-Arms and close his books for the Second Called Session of the Sixty-Fifth Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the Second Called Session of the 65th Legislature and when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate and one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the Senate, each member of the House of Representatives on request, to the Lieutenant Governor, and 65 paper bound copies shall be furnished to the State Library. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said Chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the pre-existing law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 65th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 65th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, members of the Senate, and employees of the Senate committee upon presentation of a payroll account signed by the President of the Senate and the Secretary of the Senate; for payment of employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies and expenses of the Senate, including travel expenses for members and employees, upon vouchers signed by the chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the Legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual members office budget as hereinafter authorized:

(1) reimbursement of all actual expenses incurred by the members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin, but may be incurred in individual Senatorial Districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the Second Called Session until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff at a maximum payroll of \$4,900.00 per month under the classification schedule hereinafter provided. Other expenses including actual travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto shall be provided in addition to the maximum salary authorized.

It is further recommended that each employee of the Senate except elected officers be classified and paid pursuant to the following schedule to include salary changes made by the General Appropriations Act:

Title	Class Number	Group	Salary and Step Range
Clerk I	0051	02	552(1)- 571(2)- 590(3)
Messenger	0011	02	610(4)- 630(5)- 651(6)
Clerk Typist II	0106	04	630(1)- 651(2)- 673(3)
Stenographer I	0126	04	696(4)- 719(5)- 743(6)
Secretary II	0133	05	768(5)- 794(6)- 820(7)
Secretary III	0135	07	876(5)- 906(6)- 936(7)
Administrative Secretary	0138	09	1000(5)-1034(6)-1068(7)
Information Specialist I	1892	14	1219(1)-1259(2)-1302(3)
Administrative Technician I	1501	08	936(5)- 968(6)-1000(7)
Administrative Technician II	1502	11	1104(4)-1141(5)-1179(6)
Administrative Technician III	1503	13	1219(3)-1259(4)-1302(5)
Administrative Technician IV	1504	15	1391(3)-1437(4)-1486(5)
Information Specialist II	1893	16	1437(2)-1486(3)-1535(4)
Attorney III	3533	17	1486(1)-1535(2)-1587(3)
Research Assistant II	1517	13	1345(6)-1391(7)-1437(8)
ADP Equipment Operator I	0221	07	768(1)- 820(3)- 876(5)
Reproduction Equipment Operator I	0309	09	876(1)- 936(3)-1000(5)

Employees who do not readily fit one of the above classified positions may be assigned a title under the General Classified Positions outlined in the General Appropriations Act upon authorization of the Administration Committee; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any member of the Senate, the Secretary of the Senate or other Senate employees to attend National Legislative Conferences and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That the Chairman of the Finance Committee have authority to employ such additional employees of his own selection as may be needed by said committee, said employees to receive the same compensation paid similar positions as herein fixed, who shall discharge the duties of the Finance Committee; and, be it further

RESOLVED, That each of the Standing Committees and Subcommittees of the Senate of the 65th Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation and perform research on matters directed either by resolution, the Lieutenant Governor or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That there is hereby created a committee whose membership shall consist of all 31 Senators and the Dean of the Senate shall preside as Chairman. The Chairman may appoint a vice-chairman or chairman pro tempore to preside in the absence of the Chairman.

The committee has the duty and authority to supervise all matters relating to the elected officers or internal affairs of the Senate. The committee has the power to do all things reasonable and necessary in carrying out its responsibilities including, but not limited to, the discharge of elected officers, filling vacancies in any elected office, determining salaries of elected officers, and prescribing the powers, functions, responsibilities and duties of the several elected officers of the Senate. The committee shall meet at the call of the Chairman or at a date specified in a written

request of eleven members or as may be determined by the committee after its initial meeting. Twenty-one members shall constitute a quorum and a majority of the quorum may take action.

The operating expenses of this committee shall be paid from the contingent expense fund of the Senate and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee; and, be it further

RESOLVED, that no employee of the Senate shall, during the time he or she is employed, furnish to any person, firm or corporation any information other than general information furnished the public pertaining to the Senate and they shall not without permission receive any compensation from any person, firm or corporation during their employment by the Senate and any employee found guilty of violating this provision shall be immediately discharged.

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/A. M. Aikin, Jr.
Chairman of the Caucus

/s/W. E. Snelson
Secretary of the Caucus

On motion of Senator Aikin and by unanimous consent, the reading of the resolution was dispensed with and the resolution was adopted.

TRIBUTE TO SENATOR AIKIN

The President recognized Senator Schwartz who addressed the Senate as follows:

PRESIDENT HOBBY: The Senator from Galveston.

SENATOR SCHWARTZ: Mr. President, Members of the Senate, I would really ask you to listen closely to me for one time before this day is out, and before this Session is over because what I have to say is as near and dear to the hearts of Members of this Texas Senate as anything that's going to be said here on the floor of this Senate, in my lifetime, or yours, because in my lifetime or yours we are not ever going to see another man like A. M. Aikin. And I doubt seriously whether in the history of this state, no matter how long this granite building stands, and no matter how long the love and affection for one man or for any other institution, can last. Are we ever going to see another A. M. Aikin in the Texas Legislature?

It's a phenomena of a time and in an era, in an age that may not ever come to pass again. I don't know whether it's possible politically...anymore...in our society either to bring about an A. M. Aikin, or keep him here when you get him, or to nurture him and — and for him to develop the feeling and — and the sense of justice and the sense of dedication to his fellow man that — A. M. Aikin has developed and has brought forth in these legislative halls for the 40-plus years that he's been here.

I know that if there's a man I love on the face of the earth for that sense of justice, and for the dedication to his fellow man, that I've sat here and watched since 1960 when I came to this Senate, that it's A. M. Aikin. That if there's ever been a

man who has shouldered the biblical injunction that my forefathers assumed and lived by, and have tried to impose upon me without as much success as many of them might have wanted, and that was to dedicate their life to justice and the pursuit of knowledge, that this man embodies those feelings and those principals, and that dedication.

You know, I can't ever say anything without at least getting into some sense of levity, but Dean Aikin doesn't enjoy all the speeches I make down here on the Senate floor, and I can assure you he's enjoying this one least of all, because I never saw a man who wanted to be talked about less, or who was embarrassed more by the simple truth of his greatness. There's no way that you can say a thing nice to him, that you can say anything kind about him, that you can describe him to any other human being, in any of the truths that we all know and feel about him, without a total embarrassment if he's within earshot.

The only way to tell the truth about Dean Aikin is to tell it behind his back because he'll just sort of duck his head and "gol-dang-it" with you, and turn around and walk off. You can't even finish. It's impossible. And you couldn't finish anyhow, because I don't think that this Senate, Dean, with its love and affection for you, and admiration, will ever finish saying the good things, the wonderful things, and the emotional things that we feel about you.

I don't think that any of us have the capacity within us, without emotion and without a feeling of great loss, to even say today what we feel. And I'm privileged that the Chair was willing to permit me to say it first. And I made, I guess, as many remarks on the Senate floor for and about people, and against people, and for and against things as anybody here. Well, if there's one I ever wanted to make and did want to make it's this one. Because first of all, I never wanted to make a speech in which I would be extolling the virtues of A. M. Aikin because he was leaving the Senate. I would have rather not been here when A. M. Aikin left the Senate. It would have been my fond hope that either me, or my people, my constituents, or something else took me from the Senate before A. M. Aikin left, because the Senate's going to be less without him. And I never believed for a minute that it would be incumbent upon me to know that he was not going to be here, that he would not exert that leadership, that he would not be here to influence this Senate, to continue to be the father figure to you and to me that he's been.

And if there's ever been a father figure here, if there's a person on the face of this earth, who to me is more of a father figure than my own father, or my grandfather before him, it is A. M. Aikin. And yet, the Dean sort of views me as a contemporary of age, and I think that I feel more akin to him as a contemporary most of the time, and certainly not ever his peer in the things that we do here, something less than his contemporary on the level of dealing with him, because of his greatness and his position here.

And, I never will forget, and I'm glad he got to do it one more time on this Senate floor in this Legislative Session. We were all here the other day, and the roll was being called, and things weren't going so well, we were in about the fifth amendment, and Dean Aikin got up there quietly after listening to everybody and watching some of us crawfish a little bit, and he just sort of stood up there quietly and he says, "Listen fellows, we're voting here today." He says, "you know, I've been seeing you all vote. I want to see some yes votes". And when the roll was called next time it was 19 votes aye. You know, just bang, bang, bang. You switched me again.

I don't mind telling you that the times A. M. Aikin stood up on this Senate floor and said something was important, not only was it important, and not only did everybody know that that was his honest conviction, but he did what he believed to be right, and he did it well. And nobody else, I think, can ever fill that space of those shoes. I don't know what we're going to do. One particular day I went up and

said to the Chair, I know the Dean didn't know this, but I went up and said, "You know, who's going to get up in the Senate after this Session is over when the Dean's not here, when the chips are down, and when everybody is sort of crawfishing around, and it's really critical, who's going to get up then and say it's time for those yes votes?" Or, it's time to do right? Or it's time to quit quibbling?

I wonder, and I'm sure somebody here will take up that role, but I wonder who is going to get up and say when I get out of hand, "You're out of hand, Senator". And, sit me down and make me do good. I don't know anybody, Senator, I don't believe anybody else can do it. But, I know there's somebody here willing to try.

Yeah, will you please not go?

Anyhow, no, I could go on, and on, and on, and I don't want to usurp the prerogative of this outpouring of love and affection for our friend, A. M. Aikin. I wish Welma were here, Miss Welma, so we could — so she could hear. I wish Bobby were here, and Lord knows, he ought to be in the gallery protecting himself. He's here. That's good! That's good! Got to protect yourself.

But, others have other things to say. But, you know, the Dean and I, he's said so many kind things about me publicly, and privately...I am just honored to be able to say a few of these things.

I will remember, and there's only one story I'll ever tell about him, and it's true, and it expresses his real dedication to this body. When I first got put on that Finance Committee it shook him up bad. Because he was used to a lot of harmony on that committee, and almost no disagreement, and he and I had a little talk, and we've worked in that same harness ever since. And we've learned to love each other. I know that, because I've heard him express it in much the same way.

And I would only wish for Dean Aikin that he'll come down here as often as we need him, and of course, anytime he wants. I for one have never been to Paris, Texas. I worship Dean Aikin here in his place. I'm going to go to Paris anytime he needs me in Paris, or any place else that he'll ever ask me to go for any good cause and any good time. But this is Dean Aikin's house of worship, in a way for us to dedicate ourselves to him. This is where he spent his life in dedication to others, and in the biblical expressions that I learned, Dean, when I was a boy, the nicest thing that we could say about somebody is that we would wish them as many years of happiness in life as Moses who led us for 40 years in the wilderness, and who lived to be 120, and in happiness all that time, as I understand it.

And that's our wish for you. And certainly my dedication to you and your happiness and all the good things that you will do for yourself and for us, and for this state, may you live as long and peacefully as Moses, and be as happy in every moment.

Thank you.

PRESIDENT HOBBY: The Senator from Brazos.

SENATOR MOORE: I agree with what the Senator from Galveston said, but I just want to say that when I came here in 1949 Senator Aikin was here. He will always be my friend.

PRESIDENT HOBBY: The Senator from Palo Pinto.

SENATOR CREIGHTON: Mr. President and colleagues, I don't always agree with Senator Schwartz, and I caught about the last two-thirds of his eloqui, and I know it was good. I want to concur in the remarks that I'm sure that Senator Schwartz made in my absence.

You know, the Dean is a unique man. Yesterday we were sitting on the Conference Committee, and things weren't going too good. I hadn't been home in three weeks, and I was sitting around remarking that "I'm out of clothes, I'm out of

clothes. Oh! What am I going to do?" And he leaned over and he said, "I know where you can get some."

But, it's his humor and warm heartedness, remarks like that at times of tension that have made him the leader that he's been these many years. He's been a great personal friend and inspiration to me, particularly in the early years in the Senate as well as today.

You know his wisdom, you know his direction, leadership that he gives us in caucus. We're going to miss that and I know that the Senator from Brazos will attempt in his best efforts to fulfill that position, but Dean, we're going to miss you and Miss Welma.

We love you, and we hope you come back.

Thank you.

PRESIDENT HOBBY: The Senator from Harris.

SENATOR BROOKS: Mr. President, I'd like to make a few brief remarks about one of the finest friends I ever had. One of the finest friends any of us ever had, to borrow a phrase that he has used so frequently when he has friends visit him here.

You know, your constituents back in your district, they're always interested in what's going on. They read something in the paper, it catches their interest, then they compare it to their local man, you know, and they want to check and see if you might be going to try to achieve what they read in the paper that morning. And when the announcement was printed in the paper that Senator Aikin was retiring, one of my friends asked me that same day, well, now do you think you're going to match Senator Aikin's record? Said, you've been there quite a while. I said, well, it will only take me 30 more years, because you know, the Dean had been here 46, I believe, and then I got to thinking about it, and I said, no, I can match the longevity in thirty years, but it will take me three hundred to match the accomplishments.

And that's how I truly feel about it, Senator. There's another thing that I want to mention about this most honest, most competent and most honorable man that I have ever known in my life. What a fine team he and Miss Welma make. You know, we went out to the little thing at the Sports Stadium here, earlier in this Session honoring Senator and Miss Welma, and the point was made in the program that evening about what a fine team they are, and they've been a team so long, and they've worked together so well that it's hard to tell which policies belong to A. M. and which belong to Miss Welma. And I think that is probably one of the most beautiful things I ever heard said about any couple, in any book of poetry, or any — any lines that were ever written in the finest literature in the history of mankind.

And finally, I would say knowing his and Miss Welma's garden club work, I think it can truly be said that they pass our way but once, but the flowers they planted in our lives will bloom every year from now on.

PRESIDENT HOBBY: The Senator from Dallas.

SENATOR HARRIS: I, as a partisan, know Dean, as a member of another party extend my appreciation for my service with you, and despair that I see you leaving the Senate, because you know the friendship we've had, Dean. You represent one of the best counties, if not the best county, in the State of Texas, Camp County, and you've done it very well. In dealing with you in committees, and having worked with you before, and looking to you for advice, having you as the presiding officer, or the Master of Ceremonies, when I was President Pro Tempore things I never shall forget.

PRESIDENT HOBBY: Senator from Harris.

SENATOR MENGDEN: Mr. President, I'd also like to say a few words about Dean Aikin. As the Senator from Galveston mentioned—his greatness. I would like to talk about one thing that I think exemplifies his greatness, not only to the Senate, but to the state, the nation and I believe even to the world, and that is the fairness that this man has exemplified. Not only here on the Senate floor, or whether he would be in Houston, or if I was in Paris, Texas, because I know this from first-hand knowledge and experience that a person I've never known has had the generosity and the humbleness that the Dean has exemplified. I believe that this is probably the greatest greatness that a man could have, to be fair.

And as we all wish that we would leave the world better than which we came in, I am convinced that there will be nobody that will have left the State of Texas in better shape, and which we can all be proud of, than Dean Aikin.

PRESIDENT HOBBY: The Senator from Taylor.

SENATOR JONES: Mr. President and Members, I think one of the most beautiful statements I've heard in years was one that says "May you serve in such a way that when you leave members will say we're glad you were here". Dean, I don't know of anyone who served with you over the years that doesn't have the feeling in his heart that he's glad you were here, that he had the opportunity of serving with you. Because that's the way we all feel to your face, or to your back, Senator from Galveston.

In all the years I've been involved in the legislative process, I've heard no one that had anything but praise in connection with the name of A. M. Aikin. So, we're glad you were here.

PRESIDENT HOBBY: The Senator from Wichita.

SENATOR FARABEE: Mr. President, Members of the Senate, I'm a relative newcomer to the Senate, and I didn't have the good fortune to serve in the House prior to coming here, and so without broad legislative experience, I'm somewhat like the city fellow that moved to the farm. Each morning he'd climb on the roof and see what his farmer neighbors would do, and he'd go out and do likewise. Dean Aikin has been somewhat like that to me, because he's been a person I could look to, see what he was doing, and of course I think he's been that way for the whole Senate. An outstanding example of what a Senator should be, the thoughtfulness, the dedication, the sincerity and most of all, the leadership. I guess it's just circumstance that his name begins with A, but that's the top of the voting list, and as I've looked out to determine some of my positions on difficult issues, it's been good that he was on the top of the list and an example, perhaps, of a thoughtful vote.

But, more than that, I think, it's a matter of leadership, not only in fields of education, but in every possible field of state government.

And it's that leadership during the past four years that I've been here, and throughout the forty-six years that he's served, that we will miss, but that we do have the legacy of.

And we thank you, Dean.

PRESIDENT HOBBY: The Senator from Tarrant.

SENATOR ANDUJAR: I would feel remiss if I don't speak to Dean Aikin and tell him I agree that he and Miss Welma have been a wonderful team. I might say that I believe that his gentle spirits and his effectiveness in this Chamber are

certainly a reflection on her as his wife. And on behalf of the several women who have in turn served in this Senate, Dean, I want to express to you our gratitude for the consideration. We didn't have to ask for equality, we didn't have to ask for consideration, you gave it to us, and we appreciate it. And may you go forward in many years of happiness ahead with the two of you together.

PRESIDENT HOBBY: The Senator from Nacogdoches.

SENATOR BLAKE: Mr. President and Members of the Senate, being the newest member of the Senate I just want to express my appreciation to Dean Aikin for the courtesies that he's extended to me, how he's made me feel welcome. Many of my House members and colleagues ask how it is, if I was received in the Senate, in good spirit. Certainly Dean Aikin has done all in his power to make me feel at home, to counsel with me. I don't know what good will come from this special session that Governor Briscoe called, but I shall always be grateful that he did call it because I did get to serve thirty days with Dean Aikin.

Thank you.

PRESIDENT HOBBY: The Senator from El Paso.

SENATOR SANTIESTEBAN: Mr. President and Members of the Senate, Dean Aikin, I have served in the Legislature for twelve years, six years of it was in the House, and while in the House I was a member of the Appropriations Committee for six years, under Speaker Barnes and under Speaker Mutscher. We did things in those years according to rehearsal. Then I came to the Senate and I was put on the Finance Committee. It was a revelation. It was a revelation to stand there and have a say, and not have my appropriation program cut off if what my say was wrong. It was fair, it was honest. This gentleman that sits right there in the front desk, allowed me to speak, allowed me to represent my constituents in financial matters.

You know, you have had a great say in people's personal lives too, Dean, my own. From far West Texas, my ethnic culture being what it is, you know the Dean doesn't invite you out to dinner. He says let's go have supper. I thought that was very Texan, very, very, very basic, very good. I guess that's why San Jacinto was a success.

I further believe that, you were the first one, you and Miss Welma, to introduce me to blackeyed peas. I always thought they were Anglo Frijoles, you know, they were very bitter. But, I can honestly say that since I had them with you and Miss Welma in 1973, I have had blackeyed peas.

I think you exemplify what Texas is all about, Dean. I think you're an example of what all of us want to be, especially what I want to be. And I think you, sir, stand tall for having men, women and children, and all Texans look up to you as well as all — all Americans. It's a privilege and an honor, and I thank God I had the right to serve with you.

Buenas suerte, Vaya Con Dios.

PRESIDENT HOBBY: The Senator from Midland.

SENATOR SNELSON: Mr. President, Members of the Senate, I simply want to say to you, Dean Aikin, that I will miss you, the Senate will miss you, and the State of Texas will miss you. Not often will a person's footsteps be etched in stone, but as surely as the sun will rise tomorrow, the legacy of A. M. Aikin will always be imprinted on this Capitol of Granite. Love, honor and integrity are such a part of you, and you epitomize these virtues as no other man that I have known.

You are truly a great friend, one I've been privileged to work with, and one that I am so grateful for what you have meant to me personally.

May God continue to bless you, Dean A. M. Aikin.

PRESIDENT HOBBY: The Senator from Jefferson.

SENATOR PARKER: Being a member of the House, I had the good fortune of being on the Conference Committee one time, and that too was a revelation, and he was Chairman of that Conference Committee and I didn't know that the legislative process could work so smoothly. I, of course, you know, you know more about things when you first get here than you ever will, but by then, I came to recognize that I still had lots to learn, and I did learn a lot from Dean Aikin.

And you know, Dean, the other day when we had a little debate here, I hope that if I stay here half as long as you've been here, I won't lose my zest for it, just like you've maintained your zest for this process.

Dean Aikin, you have been a father figure, but also accept us as a peer and willing to bare-knuckle it when it gets down to the tough sledding in debate. But, when it's over, put your arm around you, and help you, give you advice. I have to laugh because my teenage daughter, and I told Dean Aikin the story, was sitting over here with one of her little friends, and at the height of the debate her little friend turned to my daughter, who is seventeen, and with eyes wide said, are they really that mad at each other?

And my daughter turned to her and said, well, it's hard to explain, it's kind of like wrestling on TV.

Dean, I once heard a story about a fellow who staged his death, and had a fake body in the casket, and had all his friends come so he could find out in their eulogy what they really thought of him. And as I'm sitting here listening to Schwartz, and to all these great orators speak about you, it sounds kind of like they're trying to lay you to rest...with all these eulogies. But I'm here to tell you, Dean Aikin, we're not going to let you rest in peace. We're going to let you out of the Senate, but we're not going to let you rest in peace because you are as close as the telephone, due to modern day technology, and we're going to continue to call on you. I know I am, and I know that every member of this Senate is going to be calling on you, and picking your brain, and continuing to use the knowledge and the affection for this state that you have, and the skill, and the experience to help us guide this state in the right direction.

And I appreciate your service here, and I appreciate the opportunity of being over here and serving with you.

PRESIDENT HOBBY: The Senator from Lubbock.

SENATOR HANCE: Dean Aikin: I speak for the Members of the Texas Senate and everyone who has served with you. We are all better people for having known you. Also I would like to point out that no person has made a mark on the State of Texas more significant than A. M. Aikin, Jr., of Paris, Texas. We love and appreciate you deeply.

GOVERNOR PRESENTED

The Honorable Dolph Briscoe, Governor of the State of Texas, was announced by the Doorkeeper of the Senate.

Governor Briscoe was escorted to the President's Rostrum by the following escort committee: Senators Meier, Brooks, Jones of Taylor, Farabee and Jones of Harris.

The President presented Governor Briscoe to the Members of the Senate.

Governor Briscoe addressed the Senate as follows:

Distinguished Members of the Senate, it is a privilege and certainly a distinct pleasure for me to join you this afternoon as you honor one who has served this state long, well, effectively and most capably. I know that each of us in here can say that A. M. Aikin has been our friend. He has been a true leader of this State. And we can say without any question that no single individual has ever contributed more to building a better State, a better place in which to live, a better place in which to raise a family.

And I'd like to, this afternoon, speaking on behalf of all of the citizens of the Lone Star State, say to you, Dean Aikin, that you have our respect, our appreciation and the love of all the people of Texas for your contribution to building an even greater Texas today, and preparing the way for an even better Texas tomorrow.

Thank you very, very much.

ADDRESS BY SENATOR AIKIN

Senator Aikin addressed the Senate as follows:

Mr. President, I don't know that I'm in much condition to present any kind of a report. If you'll let me I will say these words that you've heard me say before.

I love the Senate and everyone of you know it. About the only thing that I could say to you, and to the distinguished Governor of Texas, you just make me feel very humble and certainly most grateful.

I would like to say that I'm so sorry that Miss Welma couldn't be here. We had a death in our family this morning, my sister's daughter, and I particularly appreciate Senator Brooks and the rest of you mentioning Miss Welma, because we had our 49th anniversary May the 25th. Most of us out-married ourselves, most of us, but I certainly did. And I particularly appreciate what the Senator from El Paso had to say because Miss Welma taught him to like blackeyed peas. He wouldn't eat them, he said they were bitter. He ate them out at our house a time or two, and now he's buying them himself.

In all sincerity, Senator Schwartz, all of you, I'll just say I owe you much, and I love you much, and I am going to stop right there.

On motion of Senator Creighton and by unanimous consent, the remarks of the Governor, the Senators and Senator Aikin were ordered reduced to writing and printed in the Senate Journal.

SENATE BILL 18 WITH HOUSE AMENDMENT

Senator Jones of Taylor called **S.B. 18** from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **S.B. 18**, 3rd reading, by striking the words "Special Session Amendment" on line 12, page 1, and substituting in lieu thereof the following:
"Tax Relief Amendment"

The amendment was read.

Senator Jones of Taylor moved to concur in the House amendment.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Ogg.

CONFERENCE COMMITTEE REPORT ON HOUSE JOINT RESOLUTION 1 ADOPTED

Senator Aikin called from the President's table the Conference Committee Report on **H.J.R. 1**. (The Conference Committee Report having been filed with the Senate and read today.)

On motion of Senator Aikin, the Conference Committee Report was adopted by the following vote: Yeas 28, Nays 2.

Yeas: Aikin, Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Hance, Jones of Harris, Jones of Taylor, Kothmann, Lombardino, Longoria, McKnight, Meier, Mengden, Moore, Parker, Patman, Price, Santiesteban, Schwartz, Snelson, Traeger, Truan, Williams.

Nays: Harris, Mauzy.

Absent-excused: Ogg.

PERMISSION TO RECORD VOTE

On motion of Senator Meier and by unanimous consent, Senator Meier was granted permission to be shown voting "Aye" on the roll call votes taken earlier today on **C.S.H.B. 57**.

COMMUNICATION FROM LIEUTENANT GOVERNOR

The following Communication from the Lieutenant Governor was read and was filed with the Secretary of the Senate:

The State of Texas
Office of the Lieutenant Governor
Austin

August 8, 1978

The Honorable Bill Clayton
Speaker of the House of Representatives

The Honorable Steve Oaks
Secretary of State

The Honorable Harry Provence
Chairman, Coordinating Board
Texas College and University System

The Honorable Betty King
Secretary of the Senate

In accordance with the provisions of Article IV, Section 33(a) of the General Appropriations Act, I hereby appoint Senator Oscar Mauzy as Chairman of the Joint Committee on Faculty Workload Requirements.

Sincerely,

/s/William P. Hobby

MOTION IN WRITING

Senator Aikin offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the Governor that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following Committee to Notify the Governor: Senators Snelson, Farabee, Hance, Meier and Santiesteban.

MOTION IN WRITING

Senator Aikin offered the following Motion in Writing:

Mr. President:

I move that the President be authorized to appoint a committee of five (5) members to notify the House of Representatives that the Senate has completed its labors and is ready to adjourn sine die.

The Motion in Writing was read and was adopted.

The President announced the appointment of the following Committee to Notify the House: Senators Lombardino, Blake, Parker, Patman and Truan.

RECESS

On motion of Senator Aikin the Senate at 7:03 o'clock p.m. took recess Subject to Call of the Chair.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 10:36 o'clock p.m. today.

HOUSE NOTIFIED

The committee to notify the House of Representatives that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Lombardino for the committee reported that the committee had performed the duty assigned to it.

The committee was discharged.

GOVERNOR NOTIFIED

The committee to notify the Governor that the Senate was ready to adjourn sine die appeared at the Bar of the Senate and Senator Snelson for the committee reported that the committee had performed the duty assigned to it.

The committee was discharged.

MESSAGE FROM THE HOUSE

House Chamber
August 8, 1978

Honorable William P. Hobby
President of the Senate

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H.B. 23, A bill to be entitled An Act relating to exempting from the state Sales, Excise and Use Tax Act certain energy saving materials and equipment; amending Article 20.04, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended, by adding Section (HH).

All necessary rules suspended, and the Conference Committee Report on House Joint Resolution No. 1 adopted by a vote of 107 Ayes, 32 Noes.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

HOUSE BILL ON FIRST READING

The following bill received from the House, was read the first time and referred to the Committee indicated:

H.B. 23, To Committee on Human Resources.

RECESS

The President announced at 10:37 o'clock p.m. the Senate would stand recessed Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

The President called the Senate to order as In Legislative Session at 10:40 o'clock p.m. today.

BILL SIGNED

The President announced the signing in the presence of the Senate after the caption had been read, the following enrolled bill:

S.B. 18**RECESS**

The President announced at 10:42 o'clock p.m. the Senate would stand recessed Subject to the Call of the Chair.

(Senator Price in the Chair)

The Presiding Officer (Senator Price in the Chair) called the Senate to order as In Legislative Session at 11:47 o'clock p.m. today.

SENATE NOTIFIED

A Committee from the House of Representatives appeared at the Bar of the Senate and Mr. Wyatt for the Committee notified the Senate that the House was ready to adjourn sine die.

(President in the Chair)

BILLS AND RESOLUTIONS SIGNED

The President announced the signing in the presence of the Senate after the caption had been read the following enrolled bills and resolutions:

H.C.R. 20

H.B. 57

H.B. 18

H.J.R. 1

ADJOURNMENT SINE DIE

The President announced that the hour for final adjournment of the Second Called Session of the 65th Legislature had arrived.

Senator Andujar moved that the Senate of the Second Called Session of the 65th Legislature stand adjourned sine die.

The motion prevailed and the President declared the Second Called Session of the 65th Legislature adjourned sine die at 11:59 o'clock p.m. today.

MEMORIAL RESOLUTIONS

S.C.R. 18 - By Schwartz: Memorial resolution for Fine G. Bedford.

S.R. 144 - By Farabee: Memorial resolution for Mrs. Bea Wood.

S.R. 145 - By Jones of Taylor: Memorial resolution for Prince Elmer (Pete) Shotwell.

S.R. 151 - By Brooks: Memorial resolution for Howard Reynolds Stentz, Sr.

S.R. 155 - By Truan: Memorial resolution for Apolonio "Paul" Montemayor.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 143 - By Doggett: Extending welcome to Dr. Clay Boyer.

S.R. 146 - By Schwartz: Extending congratulations to Joe Doby.

S.R. 147 - By Truan, Longoria and Santiesteban: Extending congratulations to The American G. I. Forum and its founder, Dr. Hector P. Garcia.

S.R. 149 - By Truan: Extending congratulations to Jose A. "Joe" Montoya.

S.R. 152 - By Hance: Extending congratulations to C. Dayle Vannoy.

S.R. 153 - By Clower: Extending congratulations to Kenny Gatteys.

S.R. 156 - By Schwartz: Extending congratulations to Virginia Ernisse.

APPENDIX

Sent to Governor

(August 8, 1978)

S.B. 19

S.J.R. 17

(August 9, 1978)

S.B. 18

S.C.R. 18

In Memory

of

The Honorable Frank D. Stubbeman

Senator Snelson offered the following resolution:

(Senate Resolution 148)

WHEREAS, The Senate of the 2nd Called Session of the 65th Legislature of the State of Texas wishes to honor the memory of an outstanding citizen of the City of Midland and the State of Texas, The Honorable Frank D. Stubbeman, former member of the House of Representatives and father of The Honorable David Stubbeman of Abilene, now serving in the House of Representatives, who died April 27, 1978 at the age of 72; and

WHEREAS, Mr. Stubbeman was born January 3, 1906 in Cuero and spent his early life there. He graduated from the University of Texas in 1929 with a B.A. and L.L.B. degree. In 1930, he moved to Midland and became associated with B. Frank Haag. In 1935 Mr. Stubbeman and Tom Sealy formed the firm now known as Stubbeman, McRae, Laughlin, Sealy and Browder. He was a senior partner in the firm at the time of his death; and

WHEREAS, From 1933 to 1934, Mr. Stubbeman served as a member of the State Legislature from the Midland District. He was a former member of the Midland City Council, former Chairman of the Board of the State Bar of Texas and chairman of the Board of Governors of Midland Memorial Foundation from its creation in 1945 until his retirement late last year; and

WHEREAS, Mr. Stubbeman was a ruling elder and trustee of the First Presbyterian Church. He was a 47-year, charter member and past president of the Midland Downtown Lions Club. Mr. Stubbeman served as vice chairman of the board of executors of the Permian Basin Petroleum Museum, Library and Hall of Fame and was a member of the advisory board for Junior Achievement of Midland, Inc. He was a 32nd degree Mason and a member of the Midland Masonic Lodge, Suez Shrine; and

WHEREAS, Survivors include his wife, Violet, two sons, Robert Frank Stubbeman of Corpus Christi and Representative David Graves Stubbeman of Abilene and five grandchildren; now, therefore be it

RESOLVED, That on this day the Senate of the 2nd Called Session of the 65th Legislature of the State of Texas does so honor the memory of Mr. Frank D. Stubbeman and extends sympathy to the members of his family; and, be it further

RESOLVED, That copies of this Resolution be prepared, under the Seal of the Senate, and presented to Mr. Stubbeman's family as a tribute to his memory; and, when the Senate adjourns this day, it do so in his memory.

The resolution was read.

On motion of Senator Farabee and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Snelson and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

In Memory
of
Lloyd Gregory

Senator Brooks offered the following resolution:

(Senate Resolution 150)

WHEREAS, The citizens of Houston and the entire State of Texas lost one of their foremost civic leaders and longtime journalists with the death on May 14, 1978, of Lloyd Gregory; Mr. Gregory was 79 at the time of his death; and

WHEREAS, This exemplary Texan was graduated from The University of Texas at Austin where he was sports editor of the Daily Texan; he remained an avid supporter of his alma mater and especially its athletic programs; he was traditionally seen at The University of Texas sporting events in an orange jacket; and

WHEREAS, He was well known for his sports column "Looking 'Em Over," which he began writing while he was sports editor at the Austin Statesman; he continued the column when he joined the Houston Post in 1927, where he was both sports and managing editor; and

WHEREAS, From 1946 to 1951, this versatile newsman served as vice-president and general manager of the newspaper; after over 20 years with the Post, Mr. Gregory entered a public relations-advertising business where he remained until his retirement in 1974; and

WHEREAS, In addition to his professional responsibilities, this well-loved gentleman was an organizer and president of the Longhorn Hall of Fame honoring outstanding University of Texas athletes and was himself elected to that hall in 1969; he was also a member of the Battleship Texas Commission, a founder of the Astro-Bluebonnet Bowl, and former president of the Greater Houston Bowl Association; and

WHEREAS, A renowned sports enthusiast and esteemed journalist, Mr. Gregory will be long remembered for his lasting contributions and devoted service and will be deeply missed by all who knew him; now, therefore, be it

RESOLVED, That the Senate of the 65th Legislature, Second Called Session, pay tribute to Lloyd Gregory, and extend deepest sympathy on their great loss to the members of his family: to his wife, Mrs. Lura Riley Gregory; his daughters, Martha Jane Duchesneau of Houston and Myrtle Marie Huebner of Bay City; his son, Dr. Lloyd Gregory, Jr., of Houston; and his stepson, Brian Seale of Culver City, California; and, be it further

RESOLVED, That official copies of this resolution be prepared for the members of his family, and that when the Texas Senate adjourns this day it do so in memory of Lloyd Gregory.

The resolution was read.

On motion of Senator Jones of Harris and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereto.

On motion of Senator Brooks and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.